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ABSTRACT

This pamphlet discusses the "Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs," first issued by the Office for Civil Rights in 1979, and how they relate to the civil rights of students and staff. It also outlines the responsibilities of recipients of federal assistance (schools, colleges, proprietary schools, and vocational education centers). The first section of the pamphlet discusses access to education, including public notification, nondiscrimination policies, student recruitment, student financial assistance, admissions criteria, student counseling, work study, apprenticeship training, job placement, employment of faculty and staff, and availability of programs to students with disabilities. The second section covers state education agency responsibilities, including site selection for vocational education facilities and establishment of a civil rights compliance program. The pamphlet includes a list of U.S. Department of Education regional civil rights offices. (KC)

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VOCATIONAL EDUCATION
AND CIVIL RIGHTS

OCTOBER 1989

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VOCATIONAL EDUCATION PLAYS A VITAL ROLE

Vocational education (Voc Ed) plays a vital and increasingly popular role in the Nation's education system. More than 17,000 school districts and community and junior colleges offer Voc Ed classes or programs. In addition, more than 3,500 postsecondary vocational education centers teach employment skills as their primary or sole purpose. Thousands of Voc Ed courses and programs are offered throughout the United States, and are organized and administered in ways that are appropriate for each local district and State. The Federal government, also, supports and promotes vocational education. Federally supported programs have civil rights responsibilities. Civil rights laws, as enforced by the Office for Civil Rights (OCR), U.S. Department of Education (ED), protect people from illegal discrimination in programs or activities receiving Federal financial assistance. Title VI of the Civil Rights Act of 1964 protects people from discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 prohibits

discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap; and the Age Discrimination Act of 1975 prohibits discrimination based on age. All of these laws pertain to the rights students have to gain equal access to Voc Ed classes and programs. The Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs (Voc Ed Guidelines), first issued by OCR in 1979, further spell out student rights and school responsibilities.

Occasionally, problems occur that raise questions about whether civil rights responsibilities are being fulfilled. For example, issues arise if a potentially high-paying field of study has no female students in its classes, or if black and Hispanic students are enrolled in Voc Ed classes in a proportion far greater than their proportion of the population in the school district, and are disproportionately underenrolled in academic programs traditionally associated with college attendance. Although these may not be signs of discrimination, an understanding of the Voc Ed Guidelines is essential to ensure that unlawful discrimination is not taking place.

This pamphlet discusses the Voc Ed Guidelines and how they relate to the civil rights of students and staff beneficiaries and to the responsibilities of recipients (schools, colleges, proprietary schools, and Voc Ed centers that receive Federal assistance).

VOCATIONAL EDUCATION MUST BE OPEN TO ALL

Public Notification

Schools (including colleges and Voc Ed centers) have a responsibility under the Guidelines to inform students, parents, employees, and the general public that all vocational opportunities are offered without regard to race, color, national origin, sex, or handicap. A nondiscrimination policy may be announced in school catalogs and handbooks, in newspapers, and through whatever sources, outlets or media that are available. Schools should give thought to the best ways to reach people protected by civil rights laws, perhaps by advertising in minority and foreign language newspapers, in publications oriented toward female readers, or in publications for people with handicaps. Recipients must disseminate public notice information to communities of national origin

minorities with limited English skills in their language to assure that the lack of English skills will not be a barrier to admission and participation in vocational education programs. A brief summary of program offerings and admissions criteria should be included in publicity announcements, with the name, address, and telephone numbers of the staff members designated to coordinate civil rights compliance. These promotional activities - including brochures, career day visits by student groups and business leaders, and parent-night demonstrations - must not create or perpetuate stereotypes as to race, national origin, color, sex, or handicap. For example, a school should not illustrate a brochure about management classes with sketches or photos showing only white males.

Student Recruitment

When recruiting students, schools may not stereotype in presenting vocational and career opportunity information. For example, if a Hispanic student requests vocational information, he or she should not be limited to receiving information on careers in the restaurant industry. Females should not be restricted to career guidance on secretarial jobs.

The Guidelines point out that to the extent possible, recruiting teams should also include people of different races, national origins, sexes and handicaps.

Student Financial Assistance

Financial help cannot be restricted on the basis of race, ethnicity, color, sex or handicap. Schools may not award financial assistance in the form of loans, grants, scholarships, special funds, subsidies, compensation of work, or prizes to Voc Ed students on these bases except to overcome the effects of past discrimination. Schools may administer sex-restricted financial assistance where the assistance and restriction are established by will, trust, etc., only if the overall effect of all financial assistance awarded by the school does not discriminate on the basis of sex. If a school's service area contains a community of national origin people with limited English language skills, the school should make financial awards known to the community in its own language. Materials and information used to notify students of opportunities for financial assistance may not be biased in wording or example that would lead applicants to believe the assistance is provided on a discriminatory basis.

Admissions Criteria

Students who want to enroll in a Voc Ed program must be considered for admission without regard to their race, color, national origin, sex or handicap. Criteria controlling student eligibility for admissions to vocational education schools, facilities and programs may not unlawfully discriminate on these bases. A recipient may not develop, impose, maintain, approve or implement discriminatory admissions criteria. Height requirements in a training program, for example, might be found to discriminate against women, Asian-American or Hispanic applicants.

Schools may not judge applicants on criteria which have the effect of disproportionately excluding members of a particular race, national origin, sex or handicap. Sometimes schools require a student to have a particular academic standing, or a certain test score on a standardized test like the Test of Adult Basic Education, or to score within a certain range on a vocational interest test. If these criteria are required by a school for admission to a Voc Ed class or

program, and if they have the effect of disproportionately excluding students on the basis of race, national origin, sex or handicap, the school must be able to prove the criteria's validity as essential to participation in the Voc Ed program. If the school can demonstrate that its criteria for admission have been validated as essential to participation in a given program and that alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable, the criteria will be judged nondiscriminatory.

A prerequisite class may be required before admission only if that class is and has been open to students on a nondiscriminatory basis. As stated in the Guidelines, if a prerequisite class was previously closed on the basis of race, national origin, color, sex, or handicap, it must be opened and the school must demonstrate that it is an essential class for success in the program and the class must be presently available to those seeking enrollment for the first time and to those formerly excluded.

All vocational programs must be open to national origin minority students. If national origin minority members have limited English language skills,

they should not be denied admission or restricted in course selection. Persons with limited English skills should not be restricted from admission because they cannot participate in and benefit from vocational instruction to the same extent as a student whose primary language is English. Recipients must take steps to identify and assess these students and to open all vocational programs to them. If students are concentrated in one or a few programs, the school must show that this is not the result of discriminatory limitations imposed upon minority students. Vocational programs must also be open to handicapped students, as discussed below.

Counseling of Students

Schools must ensure that their counseling materials and activities and promotional and recruitment efforts do not discriminate on the basis of race, color, national origin, sex, or handicap. Counselors may not direct or urge any student to enroll in a particular career or program, or measure or predict a student's prospects for success in any career or program, based on the student's race, color, national origin, sex or handicap. School staff may not counsel

handicapped students toward more restrictive career objectives than nonhandicapped students with similar abilities and interests. If a vocational program disproportionately enrolls male or female students, minority or nonminority students, or students with handicaps in certain classes, schools must take steps to ensure that the disproportion does not result from unlawful discrimination.

Counselors must be able to communicate effectively with national origin minority students with limited English language skills and with students who have hearing impairments. This requirement may be satisfied by having interpreters available.

Work Study, Apprenticeship Training and Job Placement Programs

Schools may not discriminate against students on the basis of race, color, national origin, sex or handicap in making opportunities available in cooperative education, work-study, apprenticeship training and job placement programs. Schools may not enter into any agreement with an employer or labor union that discriminates against students, including agreeing to a request to hire students of a particular race, sex, national origin, or nonhandicapped students.

Employment of Faculty and Staff

Schools may not engage in any employment practice that discriminates against applicants or employees on the basis of sex or handicap. Schools may not engage in any employment practice that discriminates on the basis of race, color or national origin if such discrimination tends to result in segregation, exclusion or other discrimination against students. If a school has few protected group staff members as compared to their proportion in the relevant labor market, it should examine the causes of the disproportion to ensure that it does not result from unlawful discrimination.

Availability to Students with Handicaps

Students with handicaps must be admitted and given equal access to programs. Schools may not deny students access to vocational education programs or courses because of architectural or equipment barriers, or because of the need for related aids and services or auxiliary aids. If necessary, recipients must modify instructional equipment, modify or adapt the manner in which the courses are offered, house

programs in facilities that are readily accessible to mobility-impaired students or alter facilities to make them accessible, provide auxiliary aids that effectively make lectures and necessary materials available to students with handicaps, and provide related aids or services that ensure students an appropriate education. It is the recipient's responsibility to plan and budget for supplemental aids and services that allow full participation in educational services for students with handicaps. In particular, students with handicaps may not be denied access to vocational programs or courses because employment opportunities may be more limited for them.

Schools must place secondary-level students who have handicaps in the regular Voc Ed programs to the maximum extent appropriate to the needs of the student unless it can be demonstrated that the student's education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Students with handicaps may not be placed in a program until the school carries out the evaluation, placement, and procedural safeguards required by Section 504. If a separate

class is set aside for students with handicaps, the facility, programs and services must be comparable to those offered to nonhandicapped students.

STATE EDUCATION AGENCY RESPONSIBILITIES

State agencies receiving Federal funds, like school districts or colleges that receive Federal funds, may not discriminate on the basis of race, color, national origin, sex or handicap. If state agencies have approval authority over the activities at schools, centers or colleges, they may not approve discriminatory activities. In addition to being nondiscriminatory in the conduct of their own program, state agencies must be nondiscriminatory in establishing criteria for Federal or state fund distribution and in establishing admission policies or administrative requirements for the state programs.

Site Selection

When selecting or approving a site for a vocational education facility, State and local recipients of Federal funds may not choose a location for the purpose or with the effect of excluding, segregating or otherwise discriminating against students on the basis of their race, color, national

origin, sex, or handicap. Site selection must include an accessible location for both minority and nonminority communities, and the state agency must ensure that this facility will not be identified as intended for either minority or nonminority students. Similarly, geographic boundaries for vocational education center service areas or attendance zones must not be discriminatory in their effect.

State agencies and vocational education centers may not adopt or maintain a system of admission to Voc Ed schools or programs that places a limit on the number of students to be admitted from feeder schools if this system disproportionately excludes students on the basis of race, color, sex, national origin or handicap. Unlawful discrimination may occur if a substantial number of minority students residing outside the service area are declared ineligible for the center while a substantial number of nonminority students residing outside the service area are eligible. Voc Ed programs should offer the same range of classes and the same opportunities for employment regardless of the number of minority students in their service area. For minority and nonminority students, training should result in opportunities for jobs offering the same status, salary and need.

Establishing a Civil Rights Compliance Program

Under the Voc Ed Guidelines, a state agency responsible for the operation or administration of vocational education programs must develop a Methods of Administration (MOA) plan describing how the agency will ensure its compliance and the compliance of its subrecipients with Federal civil rights mandates enforced by OCR. The plan must include a collection and analysis of civil rights data obtained by these agencies and centers for their own purpose or for submission to state or Federal agencies; periodic compliance reviews, including positive action to attain compliance; provision of technical assistance when requested by agencies and centers, including assistance in identifying, preventing, and remedying discrimination; and a periodic reporting of these activities and findings to the Office for Civil Rights, including findings of unlawful discrimination.

OCR regional offices have the principal responsibility for ensuring that each state is adhering to its MOA commitments. OCR reviews annual Voc Ed MOA reports and advises states of their compliance status. If OCR finds that a state has a

deficiency, OCR notifies it of corrective actions necessary to resolve the deficiency and provides technical assistance (TA) as necessary.

OCR enforces civil rights laws prohibiting discrimination in education programs or activities receiving Federal financial assistance. As part of OCR's enforcement functions, it investigates complaints filed by individuals or groups of people; conducts compliance reviews of schools, school systems or higher education institutions when major deficiencies are suspected; and provides TA to schools and colleges.

Regional OCR TA staff are available to local administrators and program beneficiaries to help to ensure that education programs are equitable for all students. Students, parents, and educators may wish to contact the OCR regional office serving their state or territory for additional information or assistance.

**U. S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGIONAL CIVIL RIGHTS OFFICES**

REGION I

*Connecticut, Maine, Massachusetts, New
Hampshire, Rhode Island, Vermont
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region I
John W. McCormack Post Office & Courthouse
Building, Room 222,
Boston, MA 02109-4557
(617)223-9662 TDD (617) 223-9695*

REGION II

*New Jersey, New York, Puerto Rico, Virgin
Islands
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region II
26 Federal Plaza, 33rd Floor,
Room 33-130
New York, NY 10278-0082
(212) 264-4633 TDD (212) 264-9464*

REGION III

*Delaware, District of Columbia, Maryland,
Pennsylvania,
Virginia, West Virginia
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6500
Philadelphia, PA 19104-3326
(215) 596-6787 TDD (215) 596-6794*

REGION IV

*Alabama, Florida, Georgia, Kentucky,
Mississippi, North Carolina, South Carolina,
Tennessee
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region IV
101 Marietta Tower - 27th Floor,
Suite 2702
Mail To: P.O. Box 2048
Atlanta, Georgia 30301-2048
(404) 331-2954 TDD (404) 331-7816*

REGION V

*Illinois, Indiana, Minnesota, Michigan, Ohio,
Wisconsin
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region V
401 South State Street - 7th Floor, Room 700C
Chicago, IL 60605-1202
(312) 886-3456 TDD (312) 353-2541*

REGION VI

*Arkansas, Louisiana, New Mexico, Oklahoma,
Texas
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VI
1200 Main Tower Building, Suite 2260
Dallas, TX 75202-9998
(214) 767-3959 TDD (214) 767-3639*

REGION VII

*Iowa, Kansas, Missouri, Nebraska
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VII
P.O. Box 90138
110220 N. Executive Hills Blvd., 8th Floor
Kansas City, MO 64190-1381
(816) 891-8076*

REGION VIII

*Colorado, Montana, North Dakota, South
Dakota,
Utah, Wyoming
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VIII
1961 Stout Street, Room 342
Denver, CO 80294-3608
(303) 844-5695 TDD (303) 844-3417*